

LABOR STANDARDS GUIDE TO CONSTRUCTION CONTRACTORS

This guide is applicable to all contractors and subcontractors performing work in excess of \$2,000 for construction, alteration, or repair, including painting and decorating, of public buildings and public works and to which the Davis-Bacon Act applies. The Davis-Bacon Act requires that no laborer or mechanic employed directly upon the site of work shall receive no less than the prevailing wage rates as determined by the Secretary of Labor.

Posting wage determinations and notice. (FAR 22.404.10)

The contractor is required to keep a copy of the wage determination and any approved additional classifications, posted at the site of work in a prominent place, easily seen by the workers. The contractor is to also post the Department of Labor poster, WH-1321, *Notice to Employees Working on Federal and Federally Financed Construction Projects*.

The name, address, and telephone number of the government official responsible for the administration of the contract shall be indicated on the poster to inform workers to whom they may submit complaints or questions regarding labor standards.

Certified Payrolls (FAR 52.222-8)

The contractor shall submit weekly for each week in which any work is performed, a copy of all payrolls to the Contracting Officer or authorized contractor officer representative. The prime contractor is responsible for the submission of payrolls by all subcontractors. A copy of the payroll form WH-347 and instructions for completing the payroll form is attached.

Payrolls shall contain the following information:

- Name, address, and social security number of each worker
- Workers' classifications
- Hourly rate of wages paid (including rates of contributions or costs for bona fide fringe benefits or cash equivalents)
- Daily and weekly number of hours worked
- Deductions made
- Actual wages paid
- Statement of Compliance signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of workers employed under the contract.

Apprentices will be permitted to work at less than the Davis-Bacon wage rate when they are employed pursuant to and registered in a bona fide apprenticeship program. Documentation of enrollment may be requested by the Contracting Officer or authorized Contracting Officer representative.

Payroll records are to be maintained by the Contractor and subcontractors during the course of the work and preserved for 3 years after the completion of the work.

Contractor and/or subcontractor shall make records available for inspection, copying or transcription by the Contracting Officer or an authorized representative of the Contracting Officer or the Department of Labor.

Compliance Checks

During the course of the contract the Contracting Officer or an authorized contractor officer representative may conduct either or all of the following activities:

- Certified Payroll Review. Ensure wages and fringe benefits are correct for each classification listed. Crosscheck payrolls to employee interviews and daily inspection reports.
- On-Site Inspections. At the job site, note the type of work being performed, tools, equipment used, and number of employees performing work on the site.
- Employee Interviews. Interview employees to determine appropriate classification, to verify payment of proper wage rates and benefits, and to determine that all hours are recorded and paid properly.

PAYROLL

(For Contractor's Optional Use; See Instruction, Form WH-347 Inst.)

[illegible]

contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☐ —Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS

NAME AND TITLE	SIGNATURE
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.	

Date _____
I, _____ (Name of signatory party) _____ (Title)
do hereby state:

(1) That I pay or supervise the payment of the persons employed by _____

_____ (Contractor or subcontractor) on the _____ (Building or work) _____; that during the payroll period commencing on the _____

day of _____, 19____, and ending the _____ day of _____, 19____, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said _____

_____ (Contractor or subcontractor) from the full _____

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. 276c), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work to be performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ —In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the